

CHAPTER 577

URBAN COUNCILS (AMENDMENT)

AN ACT TO AMEND THE URBAN COUNCILS ORDINANCE.

**Acts**

Nos. 10 of 1981,  
61 of 1981  
(Pt. II),  
5 of 1983,  
13 of 1983,  
48 of 1983  
(Pt. III),  
48 of 1984.

[Act No. 10 of 1981 - Commencement - 27th February, 1981 ; Operation — 1st July, 1981 .]  
[Act No. 61 of 1981 — Commencement and Operation - 28th September, 1981.]  
[Act No. 5 of 1983 — Commencement and Operation — 27th January, 1983.]  
[Act No. 13 of 1983 — Commencement and Operation — 18th March, 1983.]  
[Act No. 48 of 1983 — Commencement and Operation — 8th December, 1983.]  
[Act No. 48 of 1984 — Commencement and Operation — 28th December, 1984.]

Short title.

1. This Act may be cited as the Urban Councils (Amendment) Act.

the payment of incentives to occupiers of residential premises who qualify for such payment on a recommendation made by the committee appointed under section 209A, in accordance with a scheme prepared by such committee ; ” ; and

Amendment of section 36 of Chapter 577. [§ 2, 48 of 1984.]

2. Section 36 of the Urban Councils Ordinance (hereinafter referred to as the “principal enactment ”) is hereby amended as follows :—

(3) by the insertion, immediately after [§ 4, 13 of paragraph (ii) of that section, of the following new paragraph :- 1983.]

(1) by the repeal of paragraph (a) thereof, and the substitution therefor of the following paragraph :-

“ (iii) with the prior approval of the Minister-

“ (a) to appoint necessary officers and servants and from time to time remove any such officers or servants and to assign to any office or service such salary, allowances or remuneration as to the Council may seem fit :

(i) to engage in commercial and industrial enterprises for the manufacture and production of such machinery, equipment, articles, materials and goods, as may be required for the public services or the public utility services, as the case may be, which may be established and maintained by any Municipal Council or Urban [Cap. 576.] Council under the Municipal Councils [Cap. 577.1 Ordinance and the Urban Councils Ordinance respectively, or under any other written law ; and

Provided that, the preceding provisions shall not apply to and in relation to any officer or servant of such Council who is a member or who is deemed to be a member of the Local Government Service constituted under the Local Government Service Law ; ” ;

[§ 13, 61 of 1981.]

(2) by the insertion immediately after paragraph (i) of that section of the following new paragraph :-

(ii) to sell such machinery, equipment, articles, materials or goods to any other Urban Council or Municipal Council or to the public at such prices as may be determined by the Council and approved by the Minister. ”.

“ (ii) to set apart such sums of moneys with the prior approval of the Minister for

Insertion of new section 36A in the principal enactment. [§ 5.13 of 1983.1

3. The following new section is hereby inserted immediately after section 36 of the principal enactment, and shall have effect as section 36A of that Ordinance :—

“ Powers of the Minister in respect of commercial and industrial enterprises.

36A. (1) The Minister may approve any commercial or industrial enterprise under paragraph (ii) of section 36 having regard to—

- (a) the economic viability of such enterprise ;
- (b) the benefits that may accrue to any Urban Council and the public by the operation of such enterprise ;
- (c) the financial position of the Urban Council engaging in such enterprise.

(2) No sums of money appropriated to an Urban Council by Parliament under paragraph (h) of subsection (2) of section 158 and no grants allocated to an Urban Council to the Minister under paragraph (c) of subsection (2) of section 158 shall be utilized by such Council for the purposes of establishing or maintaining any commercial or industrial enterprise.

(3) Where the Minister is of opinion that the continued operation of any commercial or industrial enterprise of any Urban Council would be prejudicial to the interests of such Council by reason of mismanagement or that it is likely to involve financial loss to the Council, he may, after consultation with the Council, by Order published in the Gazette terminate the operation of such enterprise and direct the Council to take charge of all books, records and assets of the enterprise and to take such

measures that may be necessary to give effect to such Order.

(4) The Minister or the Commissioner may, from time to time, give any Urban Council engaged in any commercial or industrial enterprise general or special directions as to the carrying on or transaction of its business and such directions shall be carried out by the Council.

(5) The Minister or the Commissioner may, from time to time, direct the Council in writing to furnish him in such form as he may require, returns, accounts and other information with respect to the business of such enterprise, and the Council shall carry out every such direction.“

4. Section 38 of the principal enactment is hereby amended by the substitution, for the words “ an expenditure exceeding one thousand rupees”, of the words “ an expenditure exceeding ten thousand rupees ”.

Amendment of section 38 of the principal enactment. [§ 3.48 of 1984.1

5. Section 39 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution, for the words “ which exceeds five hundred rupees ”, of the words “ which exceeds ten thousand rupees ”.

Amendment of section 39 of the principal enactment. [§ 4.48 of 1984.1

6. Section 40 of the principal enactment is hereby amended by the substitution, for the words “ exceeding one thousand rupees ”, of the words “ exceeding ten thousand rupees ”.

Amendment of section 40 of the principal enactment. [§ 5.48 of 1984.1

7. Section 72 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words “ with a fine not exceeding fifty rupees and with a further fine not exceeding twenty rupees ”, of the words “ with a fine not exceeding five hundred rupees and with a further fine not exceeding two hundred rupees ”.

Amendment of section 72 of the principal enactment. [§ 6.48 of 1984.1

8. Section 73 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words “ with a fine not exceeding ten rupees. ”, of the words “ with a fine not exceeding one hundred rupees. ”.

Amendment of section 73 of the principal enactment. [§ 7.48 of 1984.1

Amendment of section 80 of the principal enactment. [§ 8, 48 of 1984.1

9. Section 80 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees ", of the words " with a fine not exceeding five hundred rupees ".

Amendment of section 81 of the principal enactment. [§ 9, 48 of 1984.1

10. Section 81 of the principal enactment is hereby amended in subsection (2) thereof by the substitution, for the words " with a fine not exceeding fifty rupees ", of the words with a fine " not exceeding five hundred rupees ".

Amendment of section 85 of the principal enactment. [§ 10, 48 of 1984.1

11. Section 85 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees", of the words "with a fine not exceeding five hundred rupees ".

Amendment of section 86 of the principal enactment. [§ 11, 48 of 1984.1

12. Section 86 of the principal enactment is hereby amended by the substitution, for the words " with a fine not exceeding fifty rupees ", of the words " with a fine not exceeding five hundred rupees ".

Amendment of section 88 of the principal enactment. [§ 12, 48 of 1984.1

13. Section 88 of the principal enactment is hereby amended by the substitution, for the words " with a fine not exceeding fifty rupees", of the words " with a fine not exceeding five hundred rupees".

Amendment of section 90 of the principal enactment. [§ 13, 48 of 1984.1

14. Section 90 of the principal enactment is hereby amended as follows :-

- (a) in subsection (1) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees : ", of the words " with a fine not exceeding five hundred rupees : " ;
- (h) in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding five rupees ; " , of the words " with a fine not exceeding fifty rupees ; " ;
- (c) in subsection (3) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees.", of the words " with a fine not exceeding five hundred rupees." ; and
- (d) in subsection (4) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees.", of the words " with a fine not exceeding five hundred rupees."

15. Section 91 of the principal enactment is hereby amended as follows :—

- (a) by the repeal of subsection (2) thereof, and the substitution therefor, of the following subsection :-

" (2) No animal seized under subsection (1) shall be delivered to the owner thereof unless upon payment of such sum as the Council having regard to local conditions may by resolution fix, from time to time, for the use of the person by whom the animal may have been seized, and for each day during which the animal may have been kept in the pound." ; and

- (h) in subsection (3) thereof, by 'the substitution, for all the words from " and after payment of two rupees " to " the animal in the pound ", of the following :—

"and after payment of such sums as the Council having regard to local conditions may by resolution fix from time to time, to the person by whom the animal was seized and for the custody and maintenance of the animal for each day it is kept in the pound ".

16. Section 92 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees.", of the words "with a fine not exceeding five hundred rupees."

Amendment of section 91 of the principal enactment. [§ 14, 48 of 1984.]

Amendment of section 92 of the principal enactment. [§ 15, 48 of 1984.1

17. Section 100 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees.", of the words "with a fine not exceeding five hundred rupees."

Amendment of section 100 of the principal enactment. [§ 16, 48 of 1984.1

18. Section 106 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees.", of the words "with a fine not exceeding five hundred rupees ".

Amendment of section 106 of the principal enactment. [§ 17, 48 of 1984.1

Amendment of section 109 of the principal enactment.  
[§ 18, 48 of 1984.1

19. Section 109 of the principal enactment is hereby amended by the substitution, for the words " with a fine not exceeding fifty rupees : ", of the words " with a fine not exceeding five hundred rupees : " .

Amendment of section 113 of the principal enactment.  
[§ 19, 48 of 1984.1

20. Section 113 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words " with a fine of five rupees ", of the words " with a fine of fifty rupees " .

Amendment of section 115 of the principal enactment.  
[§ 20, 48 of 1984.1

21. Section 115 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees. ", of the words " with a fine not exceeding five hundred rupees. " .

Amendment of section 117 of the principal enactment.  
[§ 21, 48 of 1984.1

22. Section 117 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees. " , of the words with a fine "not exceeding five hundred rupees. " .

Amendment of section 123 of the principal enactment.  
[§ 22, 48 of 1984.1

23. Section 123 of the principal enactment is hereby amended by the substitution, for the words " with a fine not exceeding ten rupees ", of the words " with a fine not exceeding one hundred rupees " .

Insertion of new sections 127A, 1288, 127C, 127D and 127E in the principal enactment.  
[§ 23, 48 of 1984.1

24. The following new sections are hereby inserted immediately after section 127 of the principal enactment and shall have effect as sections 127A, 127B, 127C, 127D and 127E, of that enactment :-

" Nuisance by child.

127A. Every person who, having the care or custody of any child under twelve years of age, omits to prevent such child from committing a nuisance in or by the side of any street, shall be guilty of an **offence** and shall be liable on conviction to a fine not exceeding one hundred rupees.

Public bathing places.

127B. (1) The Council may by public notice prohibit bathing or the washing of animals or clothes in any public place not set apart for the purpose, or at times or by persons other than those

Pollution of streams which flow into reservoirs or waterworks.

specified in the notice, and all other acts which may in any manner pollute or render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the Gazette in the Sinhala, Tamil and English languages and in at least one Sinhala, one Tamil and one English newspapers.

(2) Every person who bathes, washes, or does any act contrary to subsection (1) shall, be guilty of an **offence** and shall on conviction be liable to a fine not exceeding five hundred rupees.

127C. Every person who bathes in, or washes any clothes or other things in, or causes or suffers any dirt, refuse, or impurity to flow into or otherwise in any manner pollutes or contaminates any reservoir used for the purposes of the waterworks belonging to any Urban Council, or any stream or watercourse whereof the water flows into or feeds any such reservoir, shall be guilty of an **offence**, and shall be liable on conviction to a fine not exceeding five hundred rupees, and, in the case of a continuing **offence**, to an additional fine not exceeding one hundred rupees for each day during which the **offence** is continued after a conviction therefor, or after the date of service of the written notice from the Council directing attention to the **offence**.

Pollution caused by Factories.

127D. (1) Any person who, within the administrative limits of any Urban Council, operates or causes to be operated any factory which causes pollution so as to endanger or prejudice the health of the

neighbourhood, shall be guilty of an **offence**.

(2) Where a Magistrate after summary trial convicts a person of an **offence** under subsection (1) he shall, depending on the degree of pollution caused by such factory, make order-

(u) that such person pay a fine, equivalent to twice the fee payable for a **licence** issued under the provisions of this Ordinance or any by-law made thereunder in respect of the premises on which that factory is situated notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction and the amount so recovered shall be paid into the Fund of the Council ; or

(h) that operations in such factory shall cease.

Power of Chairman of an Urban Council in regard to trees or branches, trunks or fruits of trees endangering the safety of person or property.

**127E.** (1) Where in any urban area any tree or any branch, trunk, fruit or other part of a tree is causing or is likely to cause damage to any building, or is in a condition dangerous to the occupants of any building, or to the safety of passers-by along any public thoroughfare, the Chairman of the Council of such area may, by a notice in writing served on the owner or occupier of the land on which such tree stands require such owner or occupier to tie up and make secure, or to

cut down and remove such tree or the branch, trunk, fruit or other part of such tree within such time as may be specified in the notice.

(2) Every person on whom a notice is served under subsection (1), shall comply with the requirements of such notice within the time specified therein, and in the event of the refusal or neglect of such persons to comply with such requirements within such time, the Chairman, or any officer or workman authorized in writing in that behalf by the Chairman, may enter upon the land referred to in such notice and do what such person was required to do by such notice, and the expenses thereby incurred may be recovered from such person as a debt due to the Council.

For the purposes of section 127B, section 127C and section 127D "pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by discharging, emitting or depositing wastes so as to effect any beneficial use adversely, to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare or to animals, birds, wildlife, fish or aquatic life, or to plants."

25. Section 128 of the principal enactment is hereby amended in subsection (2), of that section, by the substitution for the words "punishable with a fine not exceeding two hundred rupees and with a further fine not exceeding fifty rupees for every day", of the words "punishable with a fine not exceeding six hundred rupees and with a further fine not exceeding five hundred rupees for every day".

Amendment of section 128 of the principal enactment. [§ 14, 61 of 1981.]

Insertion of new section 128A in the principal enactment. [§ 15, 61 of 1981.]

26. The following new section is hereby inserted immediately after section 128, and shall have effect as section 128A, of the principal enactment :-

“ Closure order by Magistrate.

128A. (1) Where a person convicted by any court for the **offence** of using any premises for any trade or business without a licence issued in that behalf under this Ordinance or under any by-law made thereunder, continues to use such premises without a licence for such trade or business, whether by himself or by any other person on his behalf, a Magistrate may, upon an application for a closure order made by the Chairman, Secretary or any officer authorized in that behalf by such Chairman or Secretary, as the case may be, order the closure of such trade or business at such premises, until such time such person obtains a licence from the Council.

(2) In any proceedings under subsection (1) a certificate issued by the Chairman, Secretary or any officer authorized in that behalf by such Chairman or Secretary, as the case may be, setting out that the person mentioned in the certificate, continues to use such premises without obtaining a licence for any trade or business shall be prima facie evidence of the matters stated therein.

(3) In any case where such person fails to comply with the closure order issued under subsection (1) the Magistrate shall forthwith order the Fiscal of the court requiring and authorizing such Fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order, to close any trade or business at

such premises. Such order shall be sufficient authority for the said Fiscal or any police officer authorized by him in that behalf, to enter the premises with such assistants as the Fiscal or such officer shall deem necessary to close any trade or business at such premises.“.

27. Section 151 of the principal enactment is hereby amended by the substitution, for the words “with a fine not exceeding one hundred rupees and with a further fine of fifty rupees. ”, of the words “with a fine not exceeding one thousand rupees, and with further fine of five hundred rupees.“. Amendment of section 151 of the principal enactment. [§ 24, 48 of 1984.]

28. Section 153 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words “such fine not exceeding two hundred and fifty [§ 16, 61 of 1981.] rupees for any one act or omission constituting such contravention, and in the case of a continuing contravention, an additional fine not exceeding twenty-five rupees for every day”, of the words “such fine not exceeding seven hundred and fifty rupees for any one act or omission constituting such contravention, and in the case of a continuing contravention, an additional fine not exceeding two hundred and fifty rupees of every day ”. Amendment of section 153 of the principal enactment. [§ 16, 61 of 1981.]

29. The following new section is hereby inserted immediately after section 153, and shall have effect as section 153A, of the principal enactment :— Insertion of new section 153A in the principal enactment, [§ 17, 61 of 1981.]

“ Power to compound offences.

153A. (1) W h e r e a n y person contravenes any by-law made under subsection (9) of section 157, and where such person has not been previously convicted under section 153, the Chairman shall compound such **offence**, if so requested by the offender, for a sum of money equal to one-fourth of the maximum fine imposable for such **offence** under section 153, and where a prosecution has been entered against any such offender, the Chairman shall compound such **offence** at any

time before judgment with the consent of court.

(2) Any sum of money accepted by the Chairman under subsection (1) shall be credited to the Fund of the council."

Amendment of section 157 of the principal enactment. [§ 3, 5 of 1983.1

30. Section 157 of the principal enactment is hereby amended by the substitution, for subparagraph (f) of paragraph (7) thereof, of the following sub-paragraph :-

" (f) the erection of hoardings and other temporary structures, or any decoration of any type, on or abutting any street, and the charging of fees for any permits issued in that connexion ;"

Amendment of section 159 of the principal enactment. [§ 18, 61 of 1981.1

31. Section 159 of the principal enactment is hereby amended in subsection (1) thereof as follows :-

(i) by the insertion immediately after paragraph (e) of that subsection of the following new paragraph :-

" (ee) all sums as may be set apart by the Council to pay as incentives to the occupiers of premises under section 209A;"

[§ 25, 48 of 1984.1

(ii) in paragraph (f) thereof, by the substitution, for the words "not exceeding in the aggregate two thousand rupees", of the words "not exceeding in the aggregate five thousand rupees" ;

[§ 25, 48 of 1984.1

(iii) in paragraph (g) thereof, by the substitution, for the words "not exceeding in the aggregate one thousand rupees", of the words "not exceeding in the aggregate two thousand five hundred rupees", and

[§ 25.48 of 1984.1

(iv) by the insertion, immediately after paragraph (h) thereof, of the following new paragraph :-

" (i) all sums not exceeding in the aggregate one thousand rupees or such other sum as may be approved by the Minister as being payable in any year by

the Council to the Association of the Urban Councils. "

32. Section 160 of the principal enactment is hereby amended by the insertion immediately after subsection (1) of that section of the following new subsections :—

Amendment of section 160 of the principal enactment. [§ 3, 10 of 1981.1

" (1A) In pursuance of the powers under subsection (1), the Council may impose a higher rate on premises used for business or commercial purposes.

(1AA) (a) The Council may, with the approval of the Minister, exempt from the payment of rates all residential premises the annual value of which does not exceed an amount that may be determined by the Council under paragraph (6).

(b) In determining the amount of the annual value of residential premises that may be exempted, the Council shall have regard to-

(i) the state of development of the town for which the Council is constituted ;

(ii) the nature of the services and amenities provided by the Council to residential premises with lesser annual values ;

(iii) the loss of revenue that may result from the grant of any exemption and the means proposed by the Council to recover such loss.

(c) Where any residential premises are exempted under the provisions of paragraph (b) the benefit of such exemption shall accrue to the occupier thereof."

33. Section 167 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words " with a fine not exceeding one hundred rupees " of the words " with a fine not exceeding one thousand rupees".

Amendment of section 167 of the principal enactment. [§ 26, 48 of 1984.]

34. Section 168 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words " with a fine not exceeding fifty rupees " of the words " with a fine not exceeding five hundred rupees ".

Amendment of section 168 of the principal enactment. [§ 27, 48 of 1984.1

Amendment of section 169 of the principal enactment. [§ 28, 48 of 1984.1

35. Section 169 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words " with a fine not exceeding fifty rupees " of the words " with a fine not exceeding five hundred rupees ".

39. The following new section is hereby inserted immediately after section 209, and shall have effect as section 209A, of the principal enactment :-

Insertion of new section 209A in the principal enactment. [§ 19.61 of 1981.1

" Payment of incentives.

209A. (1) An Urban Council shall appoint a committee consisting of not less than six Councillors for the purpose of preparing a scheme as regards the maintenance of residential premises and for making recommendations for the payment of an incentive to occupiers of such premises who qualify for such payment.

(2) The committee in preparing a scheme under subsection (1) and in making any recommendation for payment of an incentive to an occupier of any residential premises shall take into consideration-

- (u) that the residential premises are well maintained and in good repair and in a clean and sanitary condition ; and
- (b) that the street, including the pavement, and all surface drains as fronts, adjoins or abuts such premises are clean and kept free of any waste material.

(3) The committee may enter and inspect any residential premises with the consent of the occupier and ascertain any information from the occupier of such premises at all reasonable hours of the day for the purpose of making their recommendations."

Amendment of section 181 of the principal enactment. [§ 29, 48 of 1984.1

36. Section 181 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words " with a fine not exceeding one hundred rupees and a further fine not exceeding fifty rupees ", of the words " with a fine not exceeding one thousand rupees and a further fine not exceeding five hundred rupees ".

Insertion of new section 184A in the principal enactment. [§ 14, 48 of 1983.1

37. The following new section is hereby inserted immediately after section 184 of the principal enactment, and shall have effect as section 184A, of the principal enactment :—

" Secretary to exercise powers of Council, Chairman and Vice-Chairman in certain cases.

184A. Where an Urban Council is unable to discharge its functions by reason of the Chairman and Vice-Chairman ceasing to hold office, the Secretary shall, during any period that elapses between the occurrence of the vacancies in respect of those offices and the filling of those vacancies in accordance with the provisions of the Local Authorities Elections Ordinance, have, exercise, perform and discharge all the rights, privileges, powers, duties and functions vested in, or conferred or imposed on, the Council, the Chairman or Vice-Chairman by this Ordinance or by any other written law."

[Cap. 589.1

Amendment of section 209 of the principal enactment. [§ 30.48 of 1984.1

38. Section 209 of the principal enactment is hereby amended by the substitution for the words " with a fine not exceeding fifty rupees" of the words " with a fine not exceeding five hundred rupees ".

40. Section 219 of the principal enactment is hereby amended by the substitution, for the words " within three months next after the commission ", of the words " within six months next after the commission ".

Amendment of section 219 of the principal enactment. [§ 31, 48 of 1984.1

Amendment of section 225 of the principal enactment. [§ 32, 48 of 1984.]

41. Section 225 of the principal enactment is hereby amended by the substitution, for the words " to a fine not exceeding fifty rupees or to imprisonment of either description for a term not exceeding three months.", of the words " to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months."

of the words " to a fine not exceeding five hundred rupees."

Amendment of section 226 of the principal enactment. [§ 33, 48 of 1984.]

42. Section 226 of the principal enactment is hereby amended by the substitution, for the words " to a fine not exceeding fifty rupees.",

43. Section 227 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words " with a' fine not exceeding five hundred rupees,", of the words " with a fine not exceeding five thousand rupees, ",

Amendment of section 227 of the principal enactment. [§ 34, 48 of 1984.]

44. Section 229 of the principal enactment is hereby repealed.

Repeal of section 229 of the principal enactment. [§ 35, 48 of 1984.]